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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,056	11/21/2001	Jun-II Hong	678-702(P9689)	1468
7590	07/01/2004		EXAMINER	
Paul J. Farrell, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553			NGUYEN, ANH T	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/990,056	HONG, JUN-II	
	Examiner	Art Unit	
	Anh T Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 November 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3/24/03 & 5/19/03.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 03/24/03 and 05/19/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The following documents were not found in the application file:

Japanese Office Action dated January 28, 2003, issued in a counterpart application, namely, Appln. No. 2001-372039.

First Office Action dated February 28, 2003 issued in a counterpart application, namely Appln. No. 01145496.2.

Drawings

2. The drawings are objected to because in Fig.1, "RECONIGITION MODULE" should be changed to --RECOGNITION MODULE--. Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the pointer" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Mittelstadt et al. (“Mittelstadt”, US 6,389,280).

As per claim 1, Mittelstadt discloses a device having a user interface and directional buttons (Fig.1, *menu scroll control 103, menu select control 104*) for controlling a menu shift the device comprising: a recognition module for determining if the directional buttons have been pressed and for generating a shift command (Fig.1, *control circuitry 105 includes menu logic 111 and configuration logic 112*, col.1, lines 18-19, lines 27-33, *menu logic operates in response to control signals from directional buttons or scroll control*); a timer module for determining the time a directional button is pressed (Fig.1, *time-out logic*); and a pointer carrier for shifting the position of the pointer in response to said shift command (col.3, lines 19-28, *shifting the position of the pointer is implemented by scroll control 503 used to hi-light menu*); wherein said shift command directs said pointer carrier to shift said pointer to a next menu item if said determined time is less than a preset time, and said shift command directs said pointer carrier to shift said

pointer to a next menu page if said determined time is greater than or equal to said preset time (col.1, lines 32-34, *time-out logic determines time after a menu is entered and indicates when the elapsed time exceeds a time period and in response to time-out, shifts pointer to next menu page*).

As per claim 2, Mittelstadt discloses a method for controlling a menu shift in a device having directional buttons and a user interface, the method comprising: (a) checking if an event has been generated, and determining the kind of the generated event (Fig.1, *control circuitry 105 includes menu logic 111 and configuration logic 112*, col.1, lines 18-19, lines 27-33, *determining if the directional buttons have been pressed*); (b) operating a timer, and returning to step (a) if the generated event is a push of a directional button(Fig.1, *time-out logic*); (c) shifting a pointer currently pointing to a predetermined menu on a screen to a corresponding menu on a next page, if the generated event is a timer interrupt, that signals lapse of a predetermined time, and returning to step (a) (col.3, lines 19-28, *shifting the position of the pointer is implemented by scroll control 503 used to hi-light menu*); and (d) ceasing operation of the timer if the generated event is a release of the directional button, checking whether or not the timer interrupt had been previously generated, and returning to step (a) if the timer interrupt has been generated and returning to step (a) after shifting the pointer to a next menu if the timer interrupt has not been generated (col.1, lines 32-34, *time-out logic determines time after a menu is entered and indicates when the elapsed time exceeds a time period and in response to time-out, shifts pointer to next menu page*).

As per claim 3, Mittelstadt discloses the method further comprising the step of returning to step (a) if the generated event is not a release of the directional button (Fig.1, *control circuitry*

105 includes menu logic 111 and configuration logic 112, col.1, lines 18-19, lines 27-33, menu logic operates in response to control signals (i.e. pressed state) from directional buttons or scroll control) The generated event could be a pressed state or release state of the directional button, therefore if the generated event is not a release state then it must be a pressed state.

Claim 4 is similar in scope to claim 2 and therefore is rejected under similar rationale.

Claim 5 is similar in scope to claim 4 and therefore is rejected under similar rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mittelsstadt et al. (US 6,389,280) teaches mobile telephone configuration in response to a menu time-out

Hayakawa (US 5,596,348) teaches input apparatus

Gaskill (US 5,877,744) teaches single button control for information display

Smethers (US 6,587,132) teaches method and system for efficiently navigating a text entry cursor provided by a mobile device

Tilt (US 5,363,481) teaches auto selecting scrolling device

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Nguyen whose telephone number is **(703) 305-8649**. The examiner can normally be reached on Monday - Friday from 7:00 am to 4:00 pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anh T Nguyen
Examiner
Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100